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10 Attorneys for Defendants  
11 Homestore, Inc., The National Association  
12 of Realtors, and The National Association  
of Home Builders of the United States

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KEVIN L. KEITHLEY and TREN  
TECHNOLOGIES HOLDING LLC,

Plaintiffs,

v.

HOMESTORE.COM, INC., et al.,

Defendants.

Case No. 3:03-CV-04447 SI (EDL)

**DEFENDANTS' ADMINISTRATIVE  
MOTION FOR FILING UNDER SEAL**

**SUPPORTING DECLARATION OF S.  
BENJAMIN PLEUNE**

**[PROPOSED] ORDER**

Courtroom: 10, 19<sup>th</sup> Floor  
Judge: Honorable Susan Illston

1 **DEFENDANTS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL**

2 **1. Papers Submitted For Filing Under Seal In Their Entirety**

3 Pursuant to Civil Local Rules 7-11 and 79-5(b), Defendant Move, Inc. (formerly  
4 Homestore.com, Inc.) hereby requests leave of Court to file under seal in their entirety the  
5 following documents being lodged with the Clerk:

6 • Exhibit 2 to the Declaration of Tracy Mahnken in Support of Defendants'  
7 Motion for Summary Judgment as to Non-Infringement and Invalidity  
8 Based on Indefiniteness; and  
9 • Exhibits 2, 4, 6, 8, 9, and 11 to the Declaration of Luther Orton in Support  
10 of Defendants' Motion for Summary Judgment as to Non-Infringement and  
11 Invalidity Based on Indefiniteness.

12 Exhibit 2 to Ms. Mahnken's declaration has been designated as Highly Confidential—  
13 Attorneys' Eyes Only by Defendants because it contains Homestore.com, Inc.'s highly sensitive,  
14 confidential business information. Exhibits 2, 4, 6, 8, 9, and 11 to Mr. Orton's Declaration have  
15 also been designated as Confidential for the same reasons.

16 As required by Civil Local Rule 79-5(b), Defendants are lodging with the Clerk copies of  
17 said Declaration and exhibits.

18 Submitted this 3rd day of October, 2008.

19 LUTHER ORTON  
20 SNYDER, MILLER & ORTON LLP

21 /s/ S. Benjamin Pleune \_\_\_\_\_  
22 BRUCE J. ROSE  
23 S. BENJAMIN PLEUNE  
24 DOUGLAS R. WILNER  
25 ALSTON & BIRD LLP  
26 Bank of America Plaza  
27 101 South Tryon Street, Suite 4000  
28 Charlotte, North Carolina 28280-4000

ATTORNEYS FOR DEFENDANTS

## **SUPPORTING DECLARATION OF S. BENJAMIN PLEUNE**

I, S. Benjamin Pleune, declare as follows:

3           1. I am an attorney at law licensed to practice before all of the courts of the State of  
4 North Carolina. I am an attorney in the law firm of Alston & Bird, LLP, counsel for Defendants  
5 Homestore.com, Inc., The National Association of Realtors, and The National Association of  
6 Home Builders of the United States (collectively “Defendants”). I have knowledge of all of the  
7 following facts and, if called as a witness, could and would competently testify thereto.

8           2.       The representations made above in this Administrative Motion are true and  
9 correct to the best of my knowledge and belief.

10 I declare under penalty of perjury under the laws of the United States of America that the  
11 foregoing is true and correct.

12 Executed on October 3, 2008.

/s/ S. Benjamin Pleune

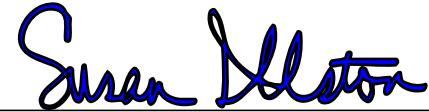
S. Benjamin Pleune

1 [PROPOSED] ORDER

2 Upon good cause shown, **IT IS HEREBY ORDERED** that Exhibit 2 to the Declaration  
3 of Tracy Mahnken in Support of Defendants' Motion for Summary Judgment as to Non-  
4 Infringement and Invalidity Based on Indefiniteness and Exhibits 2, 4, 6, 8, 9, and 11 to the  
5 Declaration of Luther Orton in Support of Defendants' Motion for Summary Judgment as to  
6 Non-Infringement and Invalidity Based on Indefiniteness be filed under seal by the Clerk.

7 **IT IS SO ORDERED.**

8  
9 Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Hon. Susan Illston

10 United States District Court Judge

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Defendants'**  
**Administrative Motion For Filing Under Seal; Supporting Declaration Of S. Benjamin**  
**Pleune; [Proposed] Order** was served upon the following parties on October 3, 2008 by  
electronic delivery:

Scott R. Mosko, Esq.  
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s/ S. Benjamin Pleune  
S. Benjamin Pleune